



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING NOTICE:	BOARD OF NURSING Meeting Minutes
DATE AND TIME:	Wednesday, April 11, 2012 at 9:00 a.m.
PLACE:	Cannon Building, Second Floor Conference Room A 861 Silver Lake Blvd., Dover, DE 19904
Minutes Approved:	May 9, 2012

MEMBERS PRESENT

Evelyn Nicholson, President, Public Member
Robert Contino, RN, Vice President, Nurse Educator Member
Dianne Halpern, RN Member
Pamela Tyranski, RN Member
Robert Maddex, Public Member
Karen Murphy, LPN Member
Harland Sanders, Public Member
David Salati, RN Member
Madelyn Nellius, Public Member
Mary Lomax, Public Member
Delphos Price, APN Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Patty Davis-Oliva, Deputy Attorney General
Pamela Zickafoose, Executive Director
Sandra Wagner, Administrative Specialist III
Meaghan E. Jerman, Administrative Specialist II

MEMBERS ABSENT

Tracy Littleton, LPN Member
Gwelliam Hines, RN Member
Kathy Bradley, LPN Member
Lyron Deputy, RN Member

ALSO PRESENT

Kim Hurley, Wilcox and Fetzer
Tammy Paxton, DTCC-Owens Campus
Connie Bushey, M.H. Rollins School of Nursing at Beebe Medical Center
Barbara Robinson, Leads School
Carle Thompson, RN
Rebeka Romanos

Lisa Schieffert
Stephanie Evans Mitchell

Ms. Nicholson called the meeting to order at 9:08 a.m. The Board introduced themselves to the public.

HEARING – RULES AND REGULATIONS

The hearing minutes for the Rules and Regulations hearing are below.

REVIEW OF MINUTES

The Board reviewed the minutes of the meeting held on March 14, 2012. Mr. Sanders made a motion, seconded by Mr. Price, to approve the minutes as written. The motion carried with Mr. Maddex, Dr. Lomax and Mr. Salati abstaining.

ADOPTION OF THE AGENDA

Mr. Salati made a motion, seconded by Ms. Halpern, to adopt the agenda. By unanimous vote, the motion carried.

ACTIVITIES REPORT

Dr. Zickafoose provided the report of the number and types of active licenses as of April 10, 2012.

Total Active Licenses = 18,596

APN = 1,152

RN = 14,788

LPN = 2,656

Total permits 43

There were a total of 606 LPNs who are in a “lapsed but can renew” status due to the late renewal period which ends April 30, 2012.

UNFINISHED BUSINESS

There is no unfinished business before the Board.

COMMITTEE REPORTS

APN Committee – Mr. Price reported for the committee and thanked Ms. Davis-Oliva for attending the meeting. He stated they discussed the Consensus Model and that statutory changes will be forthcoming. They also plan to incorporate the Consensus Model into the Rules and Regulations when statutory changes are enacted. There will be Town Hall education meetings in the near future to educate APNs and other interested constituents.

AWSAM Committee – Ms. Tyranski stated the AWSAM Committee met on March 20, 2012. Debbie Gottschalk and Patty Justice attended the meeting to discuss a medication aide training pilot program that DHSS is undertaking with input from the Board of Nursing. The AWSAM committee plans to focus on the current program and pursue the name change of Limited Lay Administration of Medications (LLAM) instead of AWSAM. In addition they will revise the curriculum, develop reporting mechanisms and recommend statutory changes as well as improve the Rules and Regulations.

PRESIDENT’S REPORT

Ms. Nicholson informed the Board she received a letter from Ms. Kay Warren, Deputy Director of the Division of Professional Regulation, informing her that the Division engaged a marketing firm, Aloysius Butler & Clark, to create a marketing plan and branding for the Division to improve public awareness. They are now at a phase in the project where they are holding one-on-one interviews with key staff and

board members from a cross-section of professions. Ms. Nicholson was selected as one of the Board Presidents to participate in the process.

Ms. Nicholson stated that this past Monday she had a forty-five minute interview with Mr. Peter Gordon, a senior supervisor from the marketing firm. The questions Mr. Gordon asked pertained to the Division of Professional Regulation and the Board of Nursing, specifically. Ms. Nicholson and Mr. Gordon discussed the makeup of the Board, the Board's functions, the scope of the Board's responsibilities in regard to the number of nurses in the State and the number of schools providing nursing programs, the process of holding disciplinary hearings, the function of the Board's Hearing Panel, the function of the Hearing Officers, and how the Board handles Consent Agreements. Ms. Nicholson and Mr. Gordon also discussed the Board's website, the public's perception of the Board of Nursing, and how information does or does not get out to the public, as well as any suggestions for improvement in the Division and/or the Board of Nursing.

Ms. Nicholson shared that she felt it was a privilege to have been chosen to participate in the project. She stated she found the experience to be very interesting, and hopes that she was able to help in some way. Ms. Nicholson said that the Board should look forward to the end result of the project.

EXECUTIVE DIRECTOR'S REPORT

Dr. Zickafoose reported she had happy and sad information to share. The positive news was the addition of Meaghan Jerman as a new casual seasonal AS II on Team A who was orienting to be the new board liaison for Nursing. She explained that Ms. Wagner already has four other boards in addition to Nursing plus the AS III supervisory duties, so this change should alleviate some of her workload. Team A staff agreed that learning one board and all the necessary requirements would create the optimal learning and orientation experience. Ms. Jerman was introduced and welcomed by the Board. Dr. Zickafoose then shared that Scott McConnell, a former Board of Nursing liaison, passed away last Saturday at the age of 47. The Division staff was told on Monday morning and they were provided a session with an EAP last week. There have been no funeral arrangements made but a service will be planned in the future.

NEW BUSINESS BEFORE THE BOARD **LICENSEE APPLICATION REVIEWS**

By Examination

Dea Coleman, GPN – Ms. Coleman is a GPN applicant, who graduated from DTCC Owens on December 10, 2011. Ms. Coleman's CBC shows a conviction for disorderly conduct on July 9, 2007, criminal mischief and terroristic threatening on May 3, 2001. Question # 19 was answered "yes" for criminal mischief. Ms. Coleman's first letter of explanation regarding the 2007 incident said she was crying in a courthouse and talking to herself and was told she was too loud. Ms. Coleman said she has learned not to show emotion in public. The second letter of explanation described the situation in 2001 that occurred at McDonald's and an apartment complex where Ms. Coleman was arrested and found guilty. Ms. Coleman pled no contest on April 4, 2002. The sanctions were fines and 6 months probation at level 2 for one charge and one year of probation on level one for the other charge. Three positive letters of recommendation were submitted on behalf of Ms. Coleman. Ms. Halpern questioned about disclosure of crimes and asked who "Ms. Meriweather" is in the reference letter. Board members discussed the letter and the fact it might have been "cut and pasted." Dr. Contino made a motion, seconded by Mr. Maddex, to propose to deny Ms. Coleman to sit for the NCLEX exam. By unanimous vote, the motion passed. Dr. Contino also noted that the Social Security number on the application was not completed.

By Endorsement

Robert Cannavo, RN – Mr. Cannavo graduated in 2008 from Gloucester County Community College. Mr. Cannavo was licensed and still has an active license in PA. Mr. Cannavo answered “no” to question #21. Mr. Cannavo has a criminal conviction for contempt-violating a restraining order. This is a crime substantially related to the practice of nursing in Delaware pursuant to 15.5.36. Board members noted there was a discrepancy in his dates of employment and Mr. Cannavo’s explanation was that he was “laid off in Feb. 2009 while still doing my preceptorship.” His employer reference was positive. There were no letters of reference submitted. Mr. Price voiced concern that some of the activities on the criminal background occurred recently. Mr. Price made a motion, seconded by Mr. Sanders, to propose to deny Mr. Cannavo licensure by endorsement. By unanimous vote, the motion carried.

Mr. Salati commented that the CBC questions differ on the various application forms and the language should be the same on all forms. Ms. Nicholson stated the word “ever” should be added to all forms to ask “Have you ‘ever’ been convicted.....Have any licenses ‘ever’ been disciplined....and we should address the issue of ‘disciplined’ or ‘sanctioned,’ to clarify what this means.” Dr. Zickafoose stated she addressed these recommendations in the past and will review the current application questions. Ms. Davis-Oliva added the Board can only consider suspensions and revocations as previous discipline against a license according to statute and this may be an issue we could address legislatively in the future.

Natalie Sofia, RN – Ms. Sofia graduated in May 2000 from Drexel Hahnemann School of Nursing and is currently licensed in PA. Ms. Sofia had no valid reference form and no current evaluation. Board members discussed the issue that many employers are only verifying dates of employment rather than providing a reference and in the past they discussed this issue and allowed others to be licensed without an employer reference. Mr. Salati noted it appeared as though Ms. Sofia took boards before she graduated from nursing school as her application indicated she was licensed in 1999 and graduated in 2000. Licensee history was viewed and it was determined she had a LPN license prior to completion of her Associate Degree. Dr. Contino made a motion, seconded by Ms. Tyranski, to grant a waiver to license Ms. Sofia by endorsement. By unanimous vote, the motion passed.

By Reinstatement

Kathleen Jones, RN - Ms. Jones applied for reinstatement and Ms. Halpern noted her employer reference from Terry Children’s Center says “terminated based on negligence” in 2010. Ms. Jones answered question #13 for discipline with an “N/A.” However the DPR credentialing person found a prior discipline in 1995 when Ms. Jones’ nursing license was put on probation for one year in Delaware. Ms. Jones submitted a notarized response stating “disciplined for incident occurring 10/1994 @ St. Francis Hospital in Wilm., DE. Probation for 1 year without restrictions on my license to practice as an RN” after the Board staff inquired about the “N/A.” Ms. Jones’ answered “yes” to question #16 for criminal activity and wrote “shoplifting 1976.” Ms. Jones’ DE license lapsed 5/28/2011. Mr. Price made a motion, seconded by Ms. Halpern, to propose to deny Ms. Jones by reinstatement. By unanimous vote, the motion passed.

Advanced Practice Nurse

There were no Advanced Practice applicants for April.

Renewal

Hazel Wilson, LPN - Ms. Wilson contacted Dr. Zickafoose because she has a hold on LPN license renewal based on the practice requirement. Ms. Wilson has a current LPN license in PA and has looked for a LPN position but was unable to obtain one since graduation in 2009 from the Delaware Skills Center. Currently Ms. Wilson works at Bryn Mawr Hospital as a patient care technician (PCT) on a surgical post operative floor. Ms. Wilson performs vital signs, EKGs, finger stick blood sugars, patient

care, foley and JP care and monitoring. She requested her experience as a PCT count toward LPN practice. Ms. Wilson submitted a detailed letter explaining her situation to the Board. Board members discussed that many facilities are now transitioning LPNs into PCTs. There are similarities in the job duties, but the LPN job requires formal schooling and licensure. Ms. Halpern stated Ms. Wilson is not working in a LPN role and is not allowed to give medications. Ms. Murphy stated she performs medication administration and performs PCT duties in her position as a LPN; however, there are some facilities that do not allow LPNs to perform medication administration yet they are still practicing as LPNs. Ms. Tyranski added that some RNs do not administer medications in their roles either. Board members also discussed the new advanced tech position at a local hospital that requires the LPN license per job description, and they determined this is considered nursing practice because the license is required and the techs are utilizing LPN skills in this role. After much discussion Board members agreed that a PCT and LPN are two different job titles, with the LPN requiring licensure. In addition, the advanced techs who hold positions where the LPN license is required would meet the practice requirement for re-licensure. Members agreed in this situation it was best for Ms. Wilson to let her license lapse since she is not working in Delaware. She could reinstate the license should a LPN job in Delaware become available and then a supervised practice plan might be recommended. If she obtains a position in PA as an LPN and obtains the practice hours, she could endorse into DE. Ms. Tyranski made a motion seconded by Ms. Nellius to have Dr. Zickafoose write a letter to Ms. Wilson explaining the Board's discussion and with the Board's recommendation of letting Ms. Wilson's license lapse. By unanimous vote, the motion passed.

The Board took a recess at 10:27 a.m. The Board resumed at 10:34 a.m.

ASSIGNMENTS/ASSIGNED BOARD CONTACT PERSON

Mr. Maddex made a motion, seconded by Dr. Lomax, to ratify the following complaint assignments given to the respective Board contact person. By unanimous vote, the motion passed. Complaint 11-27-12 will be reassigned.

11-24-12 Price	11-27-12 Price	11-30-12 Hines
11-25-12 Price	11-28-12 Tyranski	11-31-12 Deputy
11-26-12 Halpern	11-29-12 Tyranski	

CLOSED COMPLAINTS

Closed complaints do not need a vote; they are for information only to get into the record.

Dismissed by the Attorney General's Office

11-02-11	11-22-11	11-52-11
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Closed Investigations by the Division of Professional Regulation

11-62-11

HEARINGS/CONSENT AGREEMENTS – RATIFICATION & SIGNATURE

Consent Agreement(s)

Cheryl Gehr, LPN - Board members reviewed the consent agreement. Ms. Nicholson questioned about the consequences of noncompliance and the rights of the Board to further sanction. Mr. Maddex questioned why someone would take a false reading. Ms. Tyranski discussed that some nurses are pre-documenting, xeroxing notes, and then changing dates which could lead to error. Mr. Maddex made a motion, seconded by Dr. Lomax, to accept and approve the consent agreement. By majority vote, the motion carried.

Hearing Panel Finding/Decisions/Orders

Michael Rouwhorst, LPN – Board members reviewed the recommendation from the Board's Hearing Panel noting the numerous medication and documentation errors made by Mr. Rouwhorst. Mr. Maddex commented that Mr. Rouwhorst did not appear for the hearing as he is living in California. Mr. Price made a motion, seconded by Ms. Tyranski to approve and accept the recommendations from the Board's Hearing Panel. By unanimous vote, the motion carried.

Hearing Officer Recommendations

Joseph Delia, RN - Board members reviewed the recommendation from the Hearing Officer with Ms. Davis-Oliva describing the sanctions of suspension of DE license stayed and a period of probation concurrent with the PA period. Ms. Murphy made a motion, seconded by Ms. Nellius, to approve and accept the recommendation from the Hearing Officer. By majority vote, the motion carried with Ms. Halpern recusing.

DISCIPLINARY HEARINGS

None

LEGISLATIVE UPDATE

There were no updates from Ms. Davis-Oliva. Mr. Price commented that Ms. Davis-Oliva was looking at the APRN Model Rules and DE statute as well as Section 8 Rules and Regulations.

REVIEW OF COMPLIANCE

Doreen Dorsi- Dr. Zickafoose explained the reason Ms. Dorsi was brought to the Board's attention was because she was not in compliance with her consent order. She did not complete any requirements of the order. Mr. Sanders commented that Ms. Dorsi's order included community service and the requirement to attend disciplinary hearings. Ms. Davis-Oliva commented this was done in the past as part of the conditions of the agreement and we could consider these options for future sanctions. Dr. Zickafoose inquired how Board members would like to handle disciplinary actions that are out of compliance in the future. Mr. Maddex commented these nurses are not actively practicing so we could "let sleeping dogs lie," or we could do a Rule to Show Cause hearing in an attempt to decrease the disciplinary workload. Board members discussed the options and determined their preference was to submit noncompliance cases for a Rule to Show Cause hearing. Mr. Price made a motion, seconded by Ms. Nellius, to have a letter sent to Ms. Dorsi for non-compliance and have Ms. Dorsi come in for a Rule to Show Cause hearing. By majority vote, the motion carried.

PRACTICE WITHOUT LICENSURE REVIEWS (March)

There were no practices without licensure reviews for March.

PRACTICE ISSUES

Use of Single Dose Vials for Multiple Use – Dr. Zickafoose was asked to bring this issue to the attention of the Board of Nursing on behalf of the Board of Pharmacy. Dr. Zickafoose read a statement from the Pharmacist Compliance Officer saying they are finding opened single dose vials of medications without preservatives locked in the cabinet with other supplies and some left on the cart in the office that should have been discarded after the initial entry. Per manufacturer the lack of preservative prevents multiple uses of such containers. There is a tremendous shortage of many drugs and anesthetics are included. Epidural Injections require administration of medication without the preservative, but due to the shortage of smaller vials that would be conducive to single use, the practitioners are buying larger vials and trying to "use up" the contents. There is concern that this is a widespread practice, and "saving" or "reusing" single dose containers occurs in the clinics, surgery centers and practitioner's offices which

poses a health risk and potential infection control issue. Board members were asked to share this information with their organizations and practice areas.

EDUCATIONAL ISSUES

DTCC Stanton Department Chair and Instructional Director Appointed

Dr. Zickafoose announced that Dr. Pat Welsh who was previously approved by the Board as the interim Department Chair and Instructional Director has now been appointed permanently in this role. Dr. Contino made a motion, seconded by Mr. Salati, to approve Dr. Welsh as Department Chair and Instructional Director for DTCC Stanton Campus. By unanimous vote, the motion carried.

LICENSURE ISSUES

There were no licensure issues for April.

NCSBN

Dr. Zickafoose reviewed the contents of the April 2012 issue of the *Journal of Nursing Regulation* provided to Board members. This issue contains an interesting article on "A New Legal Interpretation of Duty for Registered Nurses" regarding medication orders, an article on credentialing foreign nurses, a comprehensive article on ethics, and an article titled "Substance Abuse: Risk Factors and Protective Factors." She encouraged all members to read the journal as it provides excellent information. Ms. Nellius agreed and stated she found it quite informative.

LICENSEE RATIFICATION

Mr. Price made a motion, seconded by Mr. Maddex, to ratify the licensee list. By unanimous vote, the motion carried.

PUBLIC COMMENT

There were no public comments.

NEXT SCHEDULED MEETING

May 9, 2012 - 9:00 a.m.

861 Silver Lake Blvd., Cannon Building, Conference Room A, Dover, DE 19904.

ADJOURNMENT

The meeting adjourned at 11:30 a.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "Pamela C. Zickafoose". The signature is written in a cursive, flowing style.

Pamela C. Zickafoose, EdD, MSN, RN, NE-BC, CNE
Executive Director
Delaware Board of Nursing

HEARING MINUTES

HEARING – Rules and Regulations

The Delaware Board of Nursing held a hearing on April 11, 2012, at 9:00 a.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Evelyn Nicholson, Dianne Halpern, Pamela Tyranski, Robert Maddex, Robert Contino, Karen Murphy, Harland Sanders, David Salati, Madelyn Nellius, Mary Lomax, and Delphos Price

RECUSED:

EXCUSED: Gwelliam Hines, Tracy Littleton, Kathy Bradley, and Lyron Deputy

PURPOSE: Rules and Regulations

PRESIDING: Evelyn Nicholson, President

BOARD STAFF: Pamela Zickafoose, Executive Director of Nursing, Sandra Wagner, Administrative Specialist III, and Meaghan Jerman, Administrative Specialist II

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Patricia Davis-Oliva, DAG

DEPUTY ATTORNEY GENERAL FOR THE STATE:

RESPONDENT:

COUNSEL FOR THE RESPONDENT:

WITNESSES FOR THE STATE:

WITNESSES FOR THE RESPONDENT:

COURT REPORTER PRESENT: Kim Hurley, Wilcox and Fetzer

TIME STARTED: 9:11 a.m.

The recorder took verbatim testimony. The Board members introduced themselves. Ms. Davis-Oliva described the reason for the hearing. Ms. Davis-Oliva entered the documents as Board Exhibit 1. The Board went off the record for deliberations at 9:13 a.m. The Board went back on the record at 9:14 a.m. Ms. Nellius made a motion, seconded by Mr. Price, to approved the changes to the Rules and Regulations as posted in the registry. By unanimous vote, the motion carried. The hearing concluded at 9:15 a.m.